

Members

Sen. Allen Paul, Chairperson  
Sen. Thomas Wyss  
Sen. William Alexa  
Sen. Allie Craycraft  
Rep. Ben GiaQuinta  
Rep. Claire Leuck  
Rep. Robert Alderman  
Rep. James Atterholt  
John Dahman  
Terry Smith  
David Miller  
James Brown



## COMMISSION ON MILITARY AND VETERANS AFFAIRS

*Legislative Services Agency*  
200 West Washington Street, Suite 301  
Indianapolis, Indiana 46204-2789  
Tel: (317) 233-0696 Fax: (317) 232-2554

LSA Staff:

Peggy Piety, Attorney for the Commission  
Robert Sigalow, Fiscal Analyst for the  
Commission

Authority: IC 2-5-20

### MEETING MINUTES<sup>1</sup>

**Meeting Date:** October 9, 2001  
**Meeting Time:** 1:30 P.M.  
**Meeting Place:** State House, 200 W. Washington  
St., Room 130  
**Meeting City:** Indianapolis, Indiana  
**Meeting Number:** 2

**Members Present:** Sen. Allen Paul, Chairperson; Sen. Thomas Wyss; Sen. Allie Craycraft; Rep. Ben GiaQuinta; Rep. James Atterholt; John Dahman; Terry Smith; David Miller.

**Members Absent:** Sen. William Alexa; Rep. Claire Leuck; Rep. Robert Alderman; James Brown.

Senator Paul, Chairperson of the Commission, called the meeting to order at 1:35 p.m.

Senator Paul invited Bill Jackson, Director of the Indiana Department of Veterans Affairs, to present three proposals to the Commission.

### Remission of state educational institutions' tuition and fees

---

<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Mr. Jackson proposed amending the law concerning the remission of state educational institutions' tuition and fees to include children of military personnel serving in the United States armed forces after July 1, 1999, the current cut-off date for this benefit. Mr. Jackson suggested that the statute be rewritten to include the children of any person serving in a future conflict where a campaign or theater ribbon is issued. Mr. Jackson noted that the State Student Assistance Commission receives appropriations for and pays the benefits authorized by this law.

Mr. Dahman made a motion, seconded by Representative GiaQuinta, to have a bill draft on this issue prepared for the Commission's review at its next meeting. The motion passed unanimously.

### **Protection of the civilian jobs of those serving in the National Guard**

Mr. Jackson stated that it was his understanding that those members of the Indiana National Guard currently serving at the state's commercial airports were called up by the governor and have not been federalized. He did not know whether, in these circumstances, National Guard members have re-employment rights. Because Indiana law currently does not provide this protection, Mr. Jackson proposed a statute to protect the civilian jobs of persons serving in the Indiana National Guard when they are called-up by the governor.

Lt. Col. George Thompson of the Indiana National Guard responded that the current call-ups in Indiana are protected under the federal Uniformed Services Employment and Re-employment Rights Act (USERRA). He reported that he is aware of two individuals who were fired when they were called-up. Their cases have been referred to the federal Department of Labor for investigation as USERRA provides.

Representative GiaQuinta asked for confirmation that USERRA does apply to the current call-ups in Indiana and that the two people referred to will get their civilian jobs back. Lt. Col. Thompson replied that whether the two people have any re-employment rights depends upon the facts developed during the investigation, but if the facts are as reported to him, they should get their jobs back.

### **Superintendent of the Indiana Soldiers' and Sailors' Children's Home**

Mr. Jackson explained that the state health commissioner is having difficulty hiring a superintendent for the Indiana Soldiers' and Sailors' Children's Home, because Indiana law requires the superintendent to be an honorably discharged veteran of the United States armed forces. He proposed amending IC 16-33-4-7 to eliminate the requirement that the home's superintendent be a veteran and establishing a veteran's preference when applicants for the superintendent's position otherwise have equal qualifications. He reported that Senator Jackman is interested in this legislation and is meeting next week with the state health commissioner and Representative Cherry to review the change. He further reported that the American Legion supports the change.

Representative GiaQuinta stated his support for the proposal.

Mr. Smith made a motion, seconded by Senator Craycraft, to have a bill draft on this issue prepared for the Commission's review at its next meeting. The motion passed unanimously.

### **Indiana state income tax deduction for military income**

The Commission reviewed a bill draft (PD3206) increasing the Indiana state income tax deduction for military pay from \$2,000 to \$6,000.(Exhibit C)

Mr. Miller made a motion, seconded by Representative GiaQuinta, to recommend the introduction of the bill draft (PD3206). The motion passed by a vote of 7-0.

### **Indiana state veterans' cemetery fund**

Peggy Piety, staff attorney for the Commission, reported that the proposal to establish the Indiana state veterans' cemetery fund as a dedicated fund was incorporated into the last budget bill (Sections 217 and 218 of P.L.291-2001) as an amendment to IC 10-5-25-9.

### **Veterans' stand downs**

Senator Wyss introduced Matthew Schomburg, the Wayne Township trustee in Fort Wayne, Indiana. Senator Wyss left the meeting.

Mr. Schomburg outlined the problems of homeless veterans, caused in part by the reluctance of many veterans to go to homeless shelters. He explained that the concept of a veterans' stand down originated during the United States' military involvement in Vietnam as a mechanism to give field soldiers a brief respite from combat. The first stand down for homeless veterans was in San Diego, and the Department of Veterans Affairs picked up the program as a national project.

Mr. Schomburg outlined the services to be provided at Fort Wayne's fifth annual veterans' stand down, scheduled for October 26, 2001, at the Wayne Township Trustee's office. (Exhibit A) Services to be provided include free flu shots, free testing for various health conditions, free personal hygiene items, winter clothing, and blankets, and free haircuts.

Mr. Schomburg also noted that veterans' stand downs are scheduled on November 16th and December 10th in Indianapolis.

### **Resolution concerning the naming of the new Indianapolis Airport terminal for Weir Cook**

The Commission reviewed a draft resolution urging the Indianapolis Airport Authority to name the Indianapolis International Airport's new infield terminal for Weir Cook. (Exhibit D)

Representative Atterholt asked what the Indianapolis Airport Authority's position is on the naming of the new terminal. Joe Duray, Chairman of the Indiana Military and Veterans Coalition, stated that he believed that the Authority is not receptive to renaming the current terminal, but he does not know the Authority's position on naming the new terminal.

### **Resolution concerning Hoosier employers' support for employees serving in the reserves or the National Guard**

Mr. Duray requested that the Commission consider adopting a resolution urging that Hoosier employers contribute to the war on terrorism by fully supporting their employees serving in the reserves or the National Guard.(Exhibit B)

Senator Paul asked how employers might support their employees who are serving in the

military. Mr. Duray responded by reading from an editorial that appeared in The Indianapolis Star on October 4. The editorial suggested that an employer make up the differential between an employee's civilian and military pay and continue an employee's benefits while the employee is in the military.

Senator Paul asked Lt. Col. Thompson for the Indiana National Guard's position on this issue. Lt. Col. Thompson stated that he would discuss the issue with General Buskirk.

The Commission requested the preparation of a draft resolution on the issue.

### **Resolution concerning terrorist attacks**

The Commission reviewed a draft resolution concerning the terrorist attacks launched against the United States on September 11, 2001. (Exhibit E)

Representative GiaQuinta made a motion, seconded by Mr. Smith, to recommend the introduction of the resolution. The motion passed by a vote of 7-0.

### **Other business**

Mr. Dahman commented on the MIA/POW flag flying at rest areas on Indiana's interstate highways. He suggested that a MIA/POW flag be displayed in a case at each rest area along with an explanation as to the flag's significance. Mr. Jackson reported that the Indiana Department of Transportation is currently working on such a display. He noted that the MIA/POW flags were flying two days before Memorial Day this year.

Mr. Smith suggested a resolution encouraging all public schools in Indiana to teach the Pledge of Allegiance and to conduct pledge ceremonies each school day. He asked that the resolution, if adopted, be sent to the schools.

The Commission set its third meeting for Tuesday, October 30, 2001, at 1:30 p.m. in the Statehouse.

There being no further business before the Commission, Senator Paul adjourned the meeting at 2:15 p.m.